



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on June 21, 2004

Date of Meeting: November 24, 2003

The Mayor and Council of the city of Tucson met in regular session, in the Mayor and Council Chambers in City Hall, 255 West Alameda, Tucson, Arizona, at 7:34 p.m., on Monday, November 24, 2003, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Pro Tempore Scott and upon roll call, those present and absent were:

José J. Ibarra	Council Member Ward 1
Carol W. West	Council Member Ward 2
Kathleen Dunbar	Council Member Ward 3
Shirley C. Scott	Mayor Pro Tempore
Steve Leal	Council Member Ward 5
Fred Ronstadt	Council Member Ward 6
Kathleen S. Detrick	City Clerk

Absent/Excused:

Robert E. Walkup	Mayor
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Staff Members Present:

James Keene	City Manager
Mike Letcher	Deputy City Manager
Ernie Duarte	Development Services Director
Albert Elias	Comprehensive Planning Task Force Director

Michael House	City Attorney
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Dana DeLong	City Clerk's Office
Ceci Sotomayor	Recording Secretary
Debra Counsellor	Recording Secretary

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor David Houchin, 22nd Street Baptist Church, after which the pledge of allegiance was presented by the entire assembly.

Presentation – Special Olympics International World Games

Mayor Pro Tempore Scott asked Council Member Dunbar to assist her in a presentation to Ben Caulkins, Terry Wheeler, and Gil Ramirez, three outstanding world class athletes.

Council Member Dunbar offered her congratulations and said she had the pleasure of meeting Mr. Caulkins at the Buddy Walk, which is when she found out that he had won the gold, silver, and copper medals. He was a great ambassador from Tucson to Ireland.

Mr. Caulkins said he had a great opportunity to take part in the Special Olympics. He was challenged, but to be in the Olympics was awesome. He thanked the mayor and council and hoped they would visit the office of the Special Olympics.

Council Member Dunbar said the photograph that Mr. Caulkins was showing the council was from the Special Olympics. It was a picture of Mr. Caulkins with Nelson Mandela and the now Governor of California.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Pro Tempore Scott announced that city manager's communication number 606, dated November 24, 2003, would be received into and made a part of the record. She also announced that this was the time for any member of the council to report on current events and asked if there were any reports.

A. Grant for Jacobs Park

Council Member Dunbar said her office had been working on a grant for about the last six months from the Diamondback Baseball Team for Jacobs Park. She got word today that they received the grant. It is \$150,000 and by March 27, 2004, Jacobs Park would have a new sprinkling system, backstops, scoreboards, fencing, and bleachers, which would turn it into a first class Little League area. Everyone was ecstatic. It was one more outside grant that they received for Jacobs Park to really turn it back into the park it used to be. She thanked her aide who had worked on the grant tirelessly for the past six months. She said this was the very first time the city has received a grant from the Diamondbacks.

Mayor Pro Tempore Scott asked if there were any other reports.

B. Grant for Seniors in Ward Two

Council Member West announced that Bert Strauss and his corporation has received a \$5 million grant to develop housing for seniors in ward two, at 5th and

Pantano. He expects that it will be started next year. She thought the name of the foundation was The Cornerstone.

Council Member Ronstadt said a lot of time and effort had been put into housing for seniors in the community.

Council Member West said the project is on the eastside of Pantano at 5th Street and she was pleased about the grant.

Mayor Pro Tempore Scott asked if there were any other announcements. There were none.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Pro Tempore Scott announced that city manager's communication number 607, dated November 24, 2003, would be received into and made a part of the record. She also announced that this was the time for the city manager to report on current events and asked for that report.

A. HUD Grant for Rio Nuevo

James Keene, city manager, said the council might have seen in the news that the University of Arizona received a grant from the Department of Housing and Urban Development to help Tucson development innovative housing in the Rio Nuevo Project. It was put together by Corky Poster on behalf of the school's college of architecture and it is good news.

B. Sonoran Institute

Mr. Keene said he had some specifics relating to the Sonoran Institute's Building from the Best of Tucson program at the Tucson Community Design Academy. He thought the council was aware of the role the design academy plays in bringing best practices and innovative quality design and development to Tucson. The Sonoran Institute, the sponsor, is announcing the start of the design academy, which will be a series of courses running from January 14, through March 31, 2004. The mission of the academy is to help educate citizens on development practices that reflect high civic quality, local character, and environmental sensitivity. The classes will meet on Wednesday evenings, except where noted, in the Historic Hotel Congress. The cost for the 12-week course is \$175, which includes all materials and refreshments. There will be several partial scholarships available, based on need, and class size will be limited to 25 people. Applications must be received by December 1, 2003. Anyone interested in participating should submit a one-page letter explaining their interest and how the course will benefit them in their role as a community member. He said that was all he had to report.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Pro Tempore Scott recognized Council Member Leal.

Council Member Leal said that ward three and ward five council office staffs went to Phoenix on November 3, 2003, to protest two liquor license applications. Council Member Dunbar and he were there as were a cadre of constituents from ward five. They went up against well-financed, high-end opposition. To the credit of the city, they won both cases. They were well prepared, did a good job, and won. He thought it was worth reporting and said he felt good about what the city has learned over time and how people handle themselves.

Mayor Pro Tempore Scott asked if there were any further changes on announcements. There were none.

5. CALL TO THE AUDIENCE

Mayor Pro Tempore Scott noted that this was the time any member of the public was allowed to address the mayor and council on any issue that was not listed on the agenda. Speakers would be limited to five-minute presentations and there would be a second call to the audience at the end of this meeting. She asked if anyone in the audience wished to address the council. There was no one.

6. CONSENT AGENDA – ITEMS A AND B

Mayor Pro Tempore Scott announced that the reports and recommendations from the city manager on the consent agenda items would be received into and made a part of the record. She asked the city clerk to read the consent agenda items.

A. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR EVICTION PREVENTION PROGRAM

- (1) Report from City Manager NOV24-03-603 CITY-WIDE
- (2) Resolution No. 19725 relating to Intergovernmental Agreements; approving and authorizing an Intergovernmental Agreement with Pima County for Eviction Prevention; and declaring an emergency.

B. RESOLUTION OF SUPPORT: FOR THE DESIGNATION OF THE SANTA CRUZ VALLEY NATIONAL HERITAGE AREA

- (1) Report from City Manager NOV24-03-605 CITY-WIDE
- (2) Resolution No. 19726 relating to the Santa Cruz Valley National Heritage Area; expressing support for the application and designation of the Santa Cruz Valley National Heritage Area, and for the procurement of grant funds for the preparation of a feasibility study and application to the National Park Service for the designation of the Santa Cruz Valley National Heritage Area by the United States Congress; and declaring an emergency.

Mayor Pro Tempore Scott asked the council's pleasure.

It was moved by Council Member West and seconded by Council Member Ibarra that consent agenda items A and B be passed and adopted and the proper action taken.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Leal, and Ronstadt;
Vice Mayor Scott

Nay: None

Absent/Excused: Mayor Walkup

Consent agenda items A and B were declared passed and adopted by a roll call vote of 6 to 0.

7. LIQUOR LICENSE APPLICATIONS

Mayor Pro Tempore Scott announced that city manager's communication number 600, dated November 24, 2003, would be received into and made a part of the record. She asked the city clerk to read the liquor license agenda.

(b) New License(s)

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| (1) | COCOYAYA MEXICAN FOOD
3156 E. Ft. Lowell Road
Applicant: Nidia E. Jones
City #083-03, located in Ward 3
Series #12 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |
| (2) | FIESTA SUPERMARKET
5540 E. 22 nd Street
Applicant: Ernesto Rascón
City #084-03, located in Ward 4
Series #10 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |

Kathleen S. Detrick, city clerk, advised that the application for the Fiesta Supermarket had received protests, however both applications had been withdrawn.

It was moved by Council Member Leal, seconded by Council Member Ibarra, and carried by a voice vote of 6 to 0 (Mayor Walkup absent/excused), that liquor license applications for Cocoyaya Mexican Food, 7(b)(1) and Fiesta Supermarket, 7(b)(2) be forwarded to the state department of liquor licenses and control with a recommendation for approval.

8. ZONING: (C9-03-17) VIEJO VILLA – ESCALANTE ROAD, SR TO R-1, CITY MANAGER'S REPORT

Mayor Pro Tempore Scott announced that city manager's communication number 602, dated November 24, 2003, would be received into and made a part of the record.

She also announced that this was a request to rezone property located on the southeast corner of Escalante Road and Houghton Road. The zoning examiner and the city manager recommend approval subject to certain standard conditions. She asked if the applicant or a representative was present and if so, were they aware of and amenable to the recommended conditions.

Don Laidlaw, said they were.

Mayor Pro Tempore Scott asked the council's pleasure.

It was moved by Council Member Ibarra, seconded by Council Member West, and carried unanimously by a voice vote of 6 to 0 (Mayor Walkup absent/excused) that in zoning case C9-03-17, staff be directed to prepare an ordinance rezoning the subject property from SR to R-1, subject to the standard conditions recommended by the city manager.

9. ZONING: (C9-98-22) MATHEWS – SWAN ROAD, R-2 TO O-1, CHANGE OF CONDITIONS — TIME EXTENSION — ORDINANCE ADOPTION

Mayor Pro Tempore Scott announced that city manager's communication number 608, dated November 24, 2003, would be received into and made a part of the record. She also announced that this was a request for a time extension on a previously authorized rezoning and a change of conditions to allow storm water from the rezoning site to empty onto Swan Road. The city manager recommends approval of the request. She asked if the applicant or a representative was present and if so, were they aware of and agreeable to the city manager's recommendation.

Joseph Maher, said they were.

Mayor Pro Tempore Scott asked the city clerk to read ordinance no. 9914 by number and title only.

Ordinance No. 9914

Relating to zoning: amending Ordinance No. 9723 to amend zoning conditions extending the period for compliance from November 16, 2003 to March 26, 2006 for the area located on the west side of Swan Road approximately 335 feet north of Pima Street in Case C9-98-22, Mathews – Swan Road, R-2 to O-1, and declaring an emergency.

Mayor Pro Tempore Scott asked the council's pleasure.

Council Member Ronstadt asked what was the rationale for allowing storm water from the subject development to empty onto Swan Road.

Ernie Duarte, development services director, said the original condition actually required a reduction in storm water runoff because the site is within a critical basin. As a

result, in order to develop the project with an actual reduction in storm water runoff, given that the site was already developed, it was not possible to install a basin large enough to accommodate a reduction in the storm water runoff. Staff was asking for the change in condition to remove that level of storm water runoff to the existing conditions that it currently has and as a trade off they are asking that the storm water basins that are going to be put on site not be put in future right-of-way, so they will be on private property.

Council Member Ronstadt asked who would maintain the basins.

Mr. Duarte said the property owner would be responsible for maintaining the basins. They will be on private property.

Council Member Leal asked if the homeowner's are involved.

Mr. Duarte said the project is a commercial development. A structure exists on site and it was rezoned to allow for office use.

It was moved by Council Member Ronstadt, seconded by Council Member Leal, that ordinance no. 9914 be passed and adopted.

Mayor Pro Tempore Scott asked if there was any discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Leal, and Ronstadt;
Vice Mayor Scott

Nay: None

Absent/Excused: Mayor Walkup

Ordinance no. 9914 was declared passed and adopted by a roll call vote of 6 to 0.

10. PUBLIC HEARING: ZONING: (C9-98-08) WILMOT/INTERSTATE 10 PARTNERSHIP – INTERSTATE 10 C-2/SH TO C-2, TIME EXTENSION AND CHANGE OF PRELIMINARY DEVELOPMENT PLAN (CONTINUED FROM MEETING OF SEPTEMBER 22, 2003)

Kathleen S. Detrick, city clerk, advised that the applicant in this case requested a 90-day continuance to allow additional time to explore alternatives for access and possible alternative land uses for the subject site, however, this item was advertised as a public hearing.

Mayor Pro Tempore Scott said because of that she would open the hearing, keeping in mind that the developer had requested a 90-day continuance. She announced that city manager's communication number 599, dated November 24, 2003, would be received into and made a part of the record. She also announced that this was the time and place legally advertised for a public hearing with respect to a change of the

development plan and a 5 year time extension for property located near the intersection of Wilmot Road and Interstate 10. The original 5 year authorization expired on August 3, 2003. She asked if the applicant or a represent was present.

Linda Morales, representing The Planning Center, said they are making progress on the development. There are concerns about the original plan, which shows access to the frontage road and the Arizona Department of Transportation has discontinued its allowance of that access, sort of land locking the property. The developer is working with the property owner directly to the west to be able to secure some access and to adjust the plan so that it works, be it a change to the existing land use plan, or a change to a use that might be more appropriate and compatible with the existing and future neighborhood.

Vice Mayor Scott advised that the public hearing was scheduled to last for no more than one hour and speakers were limited to 5 minute presentations. She asked if anyone in the audience wished to be heard. Seeing no one, she asked the council's pleasure.

It was moved by Council Member West, seconded by Council Member Ibarra, and carried by a voice vote of 6 to 0 (Mayor Walkup absent/excused) to continue the public hearing for 90 days as requested.

11. PUBLIC HEARING: TUCSON CODE (CHAPTER 23) AMENDING THE *LAND USE CODE* RELATING TO SALVAGING AND RECYCLING (HOUSEHOLD GOODS DONATION CENTERS)

Mayor Pro Tempore Scott announced that city manager's communication number 601, dated November 24, 2003, would be received into and made a part of the record. She also announced that this was the time and place legally advertised for a hearing on a proposed amendment to the *Land Use Code (LUC)* relating to household goods donation centers. She also announced that the public hearing was scheduled to last for no more than one hour and speakers were limited to 5 minute presentations. Staff had a brief presentation before the hearing.

Albert Elias, comprehensive planning task force director, stated household goods donation centers are not currently regulated in the land use code. The existing facilities have been allowed by the zoning administrator, so this was the city's first effort to try to regulate these types of land uses. Some of the council members would remember discussions on this subject at a study session, which he believed was prompted by issue in ward two. Staff has worked with a number of stakeholders and developed a recommendation that will allow household goods donation centers in the C-1 and C-2 zone, subject to a notice requirement and special exception process. The other thing that the code amendment contained was some performance criteria that all of the facilities will have to adhere to. It was staff's position that the performance criteria will take care of many of the problems that have occurred in the past with respect to these kinds of uses. Lastly, he wanted to make it clear that the proposed regulations will not be applied retroactively. They will only apply to new facilities. The existing household goods donation center will remain as an existing, nonconforming use and stay forever. Any new

facilities or any substantial expansion of existing centers would have to comply with the proposed ordinance. He said that completed staff's presentation.

Mayor Pro Tempore Scott asked if the council had any questions. There were none. She announced that she had received one written request to speak and called on that person.

Clifford Snyder, said he operates Rincon Cleaners and Laundromat on East Broadway and has brought before the council in the past presentations showing the kinds of circumstances that can exist when the Goodwill Industries operates in an abusive manner. He was concerned about two issues in the current regulations. One was that household goods donation centers would be able to open new facilities without public comment or a public hearing regarding their establishment. The other had to do with the fact that the zoning administrator can give them notice, which they can appeal, and then they can run the appeal process for who knows how long before anything is done. When they do go into a situation and operate abusively, as they did next to his business for more than two years, someone is going to be stuck with the situation, as he was for over two years. He said he used every avenue available that was offered by the city to try to get the Goodwill to clean up the mess. Rather than doing it and working within the regulations that were in existence at that time, they chose every other path to circumvent the law including trying to defame him when all he was doing was asking was that he not have an awful situation developed next to his business. The council has seen the photographs; they have seen the abuses that can occur if such centers are not operated responsibly.

He said those were the two concerns he had about the issue. One was that the proposed ordinance for the establishment of future donation centers would be approved without input, review, or exposure to the community. In other words, the neighbors would not have an opportunity to express their concerns. They can operate on appeal and continue the mess if they have caused a nuisance. Two things have to happen. There has to be a complaint and then the zoning administrator has to notify them. He asked that the ordinance if the subject centers are going to go in as an accepted use, require operators to agree to be shut down if the zoning administrator requires them to do so. He knew there was a due process issue, it came up during one of the last meetings, but what about the due process of the people like himself who are honest, hard workers who just want to have a clean environment next to their business. He was sorry to say that Goodwill operated that way in his case, but they did. A more immediate concern to him was that he understood a judge's order required Goodwill to clean up their act. Not the council and not the city's regulations, it took a court of law, after two years of abuse, to force them to clean up their act. What will happen in January, when in his case the court order expires? He has just put a substantial amount of investment into modernizing his laundromat. It is the only laundromat in the state of Arizona that is so technologically advanced and it is a beautiful facility. It provides a vital community service and he wondered where he will be after the judge's order expires. That was his concern.

Mayor Pro Tempore Scott asked if anyone else wished to address the council. There was no one. She said she believed there was some discussion on the items Mr. Snyder mentioned.

Council Member Ronstadt suggested that the public hearing be concluded and then the staff could comment.

It was moved by Council Member Ibarra, seconded by Council Member West, and carried by a voice vote of 6 to 0 (Mayor Walkup absent/excused), to close the public hearing.

Mayor Pro Tempore Scott asked the council's pleasure.

Council Member Leal asked staff to explain the difference between the different kinds of special use exception procedures whereby one decision process and carry forward can be made by staff and the other one would come to the mayor and council, and which would require a public hearing. Which one was in the proposed ordinance? He thought there was some confusion about that.

Albert Elias, comprehensive planning task force director, said the recommendation in the proposed ordinance is that household goods donation centers be permitted in the C-1 and C-2 zone with a type four special exception process. That is the process that goes to the development services director for a decision and there is an appeal of that process to the zoning examiner afterwards. There is an appeal process, there is also prescribed timelines in the *Land Use Code*. The appeals do not last forever. He also noted that aggrieved parties could make an appeal if they do not like the decision of the development services director and that would include the applicant who can appeal if they do not like some aspect of the decision.

Council Member Leal asked to whom could they appeal.

Mr. Elias said the appeal would be made to the zoning examiner. He reiterated that is an appeal process.

Council Member Leal asked if the appeal stopped with the zoning examiner.

Mr. Elias said yes, at that point the zoning examiner could hear the discussion and make a determination on the appeal.

Council Member Leal asked what discussion took place with staff to choose that process as opposed to having it come to the mayor and council with a public hearing.

Mr. Elias said the thinking was that in these situations there has never before been notice and opportunity for appeal. The centers were allowed previously by right in the C-1 zone by interpretation, so they never had the appeal process before. It is an additional opportunity for people who have a concern, an adjacent property owner, business owner, to get involved in the process. The second consideration was that in this case the city's code amendment includes performance criteria with which an applicant would have to comply. Staff believes that the performance criteria, which includes things like having a security management plan and a design that prevents many of the problems that have been encountered, will take care of the kinds of issues that were witnessed in Mr. Snyder's situation.

Council Member Leal asked about the resolution process for issues that were considered failures in the performance criteria by the community, and brought as a complaint to the city.

Mr. Elias said first, staff would make sure that as part of the original approval the applicant would have to comply with the things in the performance criteria, including the security management plan, so they would need to do that just to get underway in business. If there was a failure on the part of the applicant to comply with that staff would be pursuing that as well as a violation and potentially they could be fined and suspended. The operation could be suspended by the zoning administrator. One of the reasons that was important was because during the process, Mr. Snyder pointed out that he felt the regulations were not responsive enough to his specific issues. Staff believes that the provisions in the new code will deal with that.

Council Member Leal noted that Mr. Elias mentioned some performance criteria and asked if there are site specific case by case performance criteria that could emerge as issues brought forward by the neighbors that could also be performance criteria, or was staff limiting on the front end categories of performance criteria.

Mr. Elias said the way the performance criteria are set up the burden is on the applicant to demonstrate in their application, before the use starts, how they will comply with the requirements.

Council Member Leal asked if he meant the neighbors' requirements or the city's requirements.

Mr. Elias said he meant the city's requirements.

Council Member Leal asked what would happen if the neighborhood has some criteria or conditions that are different from the city's. In other words, the neighbors may want the criteria specified by the city, but they may also have one or two others that are particular to their part of the world and their needs that are not on the city's list. How would their issues get on the list or would they?

Mr. Elias said he thought that situation could be dealt with in the decision that the development services director makes, or in the appeal process. Those are both opportunities for other parties who are involved and have issues to raise those issues and they could be worked into the final recommendation.

Council Member Leal asked the city attorney to respond.

Michael House, city attorney, said the council could not simply delegate to non-city personnel the ability to prescribe conditions. Of course, the development services director or the zoning examiner on appeal could prescribe reasonable land use related conditions on a special exception. Certainly, the development services director can listen to the neighborhood's concerns and draft appropriate conditions; it is not a total carte blanche, is what he was getting at.

Council Member Leal understood that at some point it gets into the realm of what covenants and contracts are about that would happen between the owner and the neighborhood and not brokered by the city. Getting back to his second question, he said Mr. Elias explained why this is better than what the city had, but why was not the city doing the appeal or the special use exception process that comes to the council with a public hearing.

Mr. Elias said the short answer was that the zoning examiner's decision could be appealed to mayor and council and the council could consider the issues.

Council Member Leal said it is not an either/or situation. It could be appealed all the way to the mayor and council. He asked if part of that appeal to the mayor and council has the possibility of being a public hearing.

Mr. Elias said certainly, there would be an opportunity for the mayor and council to do that if they wished.

Council Member Leal asked if that is like the appeals that used to come from the board of adjustment where the council is allowed only to hear the testimony that was given prior, or can people have a broader discussion of the issue.

Mr. Elias said he believed it would be a review of the record type of situation.

Council Member Leal asked if there was performance criteria that did not get into the record, would the council have the ability to do that?

Mr. Elias said the council could prescribe additional conditions.

Council Member Leal said he knew his questions were tedious; but he thought they were important.

Mayor Pro Tempore Scott asked if there was any other discussion.

Council Member West said when she read the materials she was sure the council could assure Mr. Snyder that there is a public notification process. She asked staff to go over that, so that people would know that there is a notification process.

Mr. Elias said there is a notification process to property owners associated with the type four. There is an opportunity for property owners to raise issues, that is the whole intent of the notice and there is a period associated with that so that there is timely processing of the application. He did not believe the situation Mr. Snyder experienced would ever be able to be approved based on the proposed ordinance. There are safeguards in the performance criteria that would prevent many of the problems, all of the problems in his opinion that Mr. Snyder experienced if the proposed regulations had been in place.

Council Member West asked if the hearing before the zoning examiner would be a public hearing.

Mr. Elias said yes, it would be.

Council Member West said she knew the proposed plan, with certain criteria, was very well spelled out and she thought just about everything was covered. Her only concern, the same concern she always has about these things, was enforcement. The city does not have enough inspectors, something like eight for the whole city, so how will staff handle a situation if a neighbor calls and says a center is becoming unbearable and is not complying what they said they would. What will happen?

Mr. Elias said a situation of that type could be dealt with in two ways. Certainly, the formal zoning violation process is an opportunity. The other thing he thought the council should consider in adopting the proposed ordinance is how the rules work. He thought if the proposed rules were in place for six months or a year, it would be appropriate for staff to report back to mayor and council regarding how many centers were actually approved under the new regulations and what kinds of restrictions or what kind of performance criteria were dealt with during that period. That would allow the mayor and council to be in a position of either feeling more comfortable, or uncomfortable, as the case may be, that the rules were working effectively. In other words, if the council sees problems and the staff sees problems then it would make sense to revisit the issue and fix the problem. On the other hand, if the proposed ordinance seemed to be working, if several centers were approved with staff going through the notice process and applicants having to comply with the performance criteria, perhaps staff could suggest that the rules were fairly effective.

Council Member West said she noted in reading the materials that the amendment could be a useful tool to help neighborhoods maintain their character. She thought that was one of the underlying reasons for drafting the amendments in the first place. She thought the planning commission had heard this issue twice and for the most part Goodwill was willing to work with the proposed regulations and see how it goes. She agreed with Mr. Elias that in six months staff should report to the council. She would like to know exactly how the ordinance is working and she thought her colleagues would like to know also. If it needs to be brought back to reconsider specific items, then that should be done. She thought for the most part that the proposed ordinance would probably tighten this process. There has not been, as Mr. Elias pointed out, a process in the past and this is something whose time has come.

Mayor Pro Tempore Scott asked if there was any further discussion.

Council Member Dunbar said she knew the council was discussing a particular location, but there are several locations around town and they are only hearing about one problem. The centers she knows of are working quite well and she was sorry Mr. Snyder had experienced the problem he had, but she thought it was a very isolated case.

Mayor Pro Tempore Scott asked if there was any further discussion. There was none. She asked the city clerk to read ordinance no. 9915 by number and title only.

Ordinance No. 9915

Relating to planning and zoning; amending the Tucson Code, Chapter 23, *Land Use Code*, Article II, zones, Division 2, rural residential zones, Division 3, urban residential zones, Division 4, office zones, Division 5, commercial zones, Division 6, mixed use zones, Division 7, industrial zones, Division 8, overlay zones; Article III, development regulations, Division 3, motor vehicle and bicycle parking requirements, Division 5, performance criteria; Article VI, definitions, Division 2, listing of words and terms, Division 3, land use groups; and setting an effective date.

Mayor Pro Tempore Scott asked the council's pleasure.

Council Member Ronstadt, regarding notification, said awhile back, the council modified the notification process to include neighborhoods within a one-mile radius and asked if that was reflected in the proposed ordinance.

Mr. Elias said it was.

It was moved by Council Member Ronstadt, seconded by Council Member Leal, that ordinance 9915 be passed and adopted, and that it be reviewed for the next six to twelve months and returned to the council if there are any issues that need to be resolved.

Mayor Pro Tempore Scott asked if there was any discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Leal, and Ronstadt;
Vice Mayor Scott

Nay: None

Absent/Excused: Mayor Walkup

Ordinance no. 9915 was declared passed and adopted by a roll call vote of 6 to 0.

12. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Mayor Pro Tempore Scott announced that city manager's communication number 604, dated November 24, 2003, would be received into and made a part of the record. She asked the council's pleasure.

It was moved by Council Member Leal, seconded by Council Member Ibarra, and carried by a voice vote of 6 to 0 (Mayor Walkup absent/excused) to appoint Frank Stryker to the Landscape Advisory Committee and Larry Curran to the Small Business Commission.

Mayor Pro Tempore Scott asked if there were any personal appointments to be made at this time.

Council Member West announced her personal appointment of Leslie Katz to the Mayor's Task Force on Kinder Morgan Pipeline Issues Committee.

Council Member Leal announced his personal appointment of Tony Salvane to the Kinder Morgan Pipeline Issues Committee.

Council Member Dunbar announced her personal appointment of Jesse Lugo to the Kinder Morgan Pipeline Issues Committee.

Mayor Pro Tempore Scott asked if there were any other appointments. There were none.

13. CALL TO THE AUDIENCE

Mayor Pro Tempore Scott announced that at this time, any member of the public was allowed to address the council on any issue. Speakers would be limited to five-minute presentations. She asked if anyone in the audience wished to address the mayor and council. There was no one.

14. ADJOURNMENT: 8:25 p.m.

Mayor Pro Tempore Scott announced that the next regularly scheduled meeting of the mayor and council would be held at 10:00 a.m. on Monday, December 1, 2003, when a brief inauguration ceremony for those elected in the General Election would be held, then reconvened at 2:00 p.m., in the Greenlee-Graham Rooms at the Tucson Convention Center, 260 S. Church Avenue, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the mayor and council of the city of Tucson, Arizona held on the 24th day of November, 2003, and do hereby certify that it is an accurate transcription of the magnetic tape record of said meeting.

MANAGEMENT ASSISTANT

KSD:DD:mjv
Pr agnst tape: